



City Government Center  
10 North Second Street, Suite 402  
Harrisburg, PA 17101  
Phone: (717) 255-3065  
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## City of Harrisburg

### **Right-To-Know Response – Letters of Interest Regarding Water Services** **REQUEST GRANTED IN PART/DENIED IN PART**

October 3, 2019

*Via email to 79224-25390631@requests.muckrock.com*

Beryl Lipton  
MuckRock News  
DEPT MR 79224  
411A Highland Avenue  
Sommerville, MA 02114-2516

Dear Beryl:

Thank you for writing to the City of Harrisburg with your request for records pursuant to Pennsylvania's Right-To-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*

As previously explained in my extension letter of August 30, 2019, you incorrectly submitted a Right to Know request to the City Clerk's Office for the City of Harrisburg, rather than to the City's Right to Know Officer on August 22, 2019. The request was then forwarded on to the Right to Know officer who personally received it on August 27, 2019. Your request seeks "Materials related to agreements and proposals, solicited and unsolicited, for the ownership, operation and/or management responsibilities of the water system, the sewer system, a water treatment plant, and/or wastewater treatment (of any portions thereof)," as further recited below.

Your request is GRANTED IN PART and DENIED IN PART for the reasons below.

#### **Item One:**

The first item of your request seeks "agreements: any contracts, services agreements, memorandums of understanding, or like agreements related to the ownership, operation and/or management responsibilities of the water system, the sewer system, a water treatment plant, and/or any wastewater treatment (or any portions thereof)," for the City of Harrisburg. Item One is GRANTED.

#### **Item Two:**

The second item of your request seeks "procurement: any request for qualifications, request for proposals, or other bids (both solicited and unsolicited) for the ownership, operation and/or management of the water system, the sewer system, a water treatment plant, or a wastewater treatment;" for the City of Harrisburg. Item Two is DENIED pursuant to the following sections of the RTKL:

Section 901: An agency shall make a good faith effort to determine whether the agency has possession, custody or control of the identified record.

Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

*Based on a thorough examination of records in the possession, custody and control of the City of Harrisburg, the records you requested do not exist in the possession, custody and control of the City of Harrisburg.*

Acting in the interest of good faith, transparency and good governance, we are providing several records we believe to be related to your request. These records are responses from vendors to a Request for Letters of Interest (RFLOI) from the City regarding water services. Please note that these LOIs are not in any way considered or defined as proposals or bids, nor are they responses to Requests for Qualifications or Requests for Proposals.

Further, the attached records have been partially redacted and partially withheld (and one response withheld entirely) pursuant to Section 708(b)(11) of the RTKL, at the request of the vendors who submitted the documents to the City in response RFLOI, as follows:

Section 708(b)(11): A record that constitutes or reveals a trade secret or confidential proprietary information is exempt from access by a requester.

**Item Three:**

The third item of your request seeks “communications: for the period between January 1, 2018 and May 1m 2019, any communication...between representatives of each utility...and representatives from water companies or other private water system operators” for the City of Harrisburg. Item One is DENIED pursuant to the following sections of the RTKL:

Section 901: An agency shall make a good faith effort to determine whether the agency has possession, custody or control of the identified record.

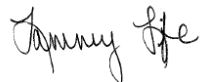
Section 705: When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

*Based on a thorough examination of records in the possession, custody and control of the City of Harrisburg, the records you requested do not exist in the possession, custody and control of the City of Harrisburg for the timeframe specified by the request.*

You have a right to appeal in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, <https://www.openrecords.pa.gov>. If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency’s response. See 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

This correspondence will serve to close this record with our office as permitted by law.

Respectfully,

A handwritten signature in cursive script, appearing to read "Tammy Life".

Tammy Life  
RTK Officer & Legal Assistant  
\*/tll  
Encl.